## NOT FOR PUBLICATION

CLOSED

## UNITED STATES DISTRICT COURT DISTRICT OF NEW JERSEY

JOC INC. T/A SUMMIT EXXON AND SUNG EEL CHANG AUTO, INC. T/A ASHWOOD EXXON,

Civil Action No. 08-5344 (SRC)

**OPINION** 

Plaintiffs,

EXXONMOBIL OIL CORPORATION,

v.

Defendant.

erendant.

## CHESLER, District Judge

On January 18, 2013, this Court issued an Order granting Defendant ExxonMobil Oil Corporation ("Exxon") summary judgment on its counterclaim for breach of contract against Plaintiff Sung Eel Chang Auto, Inc., trading as "Ashwood Exxon" ("Ashwood"). (Docket Entry 252) This matter comes before the Court on the motion by Exxon for summary judgment on damages for its counterclaim. (Docket Entry 254) Ashwood offered no opposition to the motion. The Court will rule on the papers submitted, and without oral argument, pursuant to Federal Rule of Civil Procedure 78.

Exxon has moved for damages in the amount of \$186,584.50, representing the amount Exxon argues Ashwood has conceded that it failed to pay for rent and fuel payments due under the PMPA Agreement. In calculating the amount due, Exxon relies on record evidence submitted in support of its motion for summary judgment. Exxon having indicated that it has moved for final judgment and will not be pursuing any additional damages beyond those currently sought, and Ashwood having submitted no opposition to the present motion, the Court

will enter final judgment in favor of Exxon in the amount of \$186,584.50. An Order of Final Judgment accompanies this Opinion.

s/Stanley R. Chesler
STANLEY R. CHESLER
United States District Judge

Dated: March 26, 2013